

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 5, 7, 8 and 10 are pending in the application. Claims 1-3, 5, 7, 8 and 10 are amended; and Claims 4, 6 and 9 are canceled by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Office Action, the title of the invention was objected to as not descriptive; Claims 1, 4 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaneda et al. (U.S. Patent No. 4,592,638); and Claims 2, 3, and 6-10 were rejected under 35 U.S.C. 103(as) as being unpatentable over Kaneda et al. (U.S. Patent 4,592,638)) in view of Nonaka (U.S. Patent No. 6,366,736).

In response to the objection to the title, the title is amended to recite "IMAGE CAPTURING DEVICE," and is indicative of the invention to which the claims are directed. Accordingly, Applicant respectfully requests that the objection to the title be withdrawn.

In response to the rejection based on Kaneda, Applicant respectfully submits that amended independent Claim 1 states novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 relates to an image capturing apparatus including a photographic optical system and an imaging device. The capturing device also includes a focus driving device which changes a focusing condition of an image by moving the photographic optical system and the imaging device in relation to one another. Further, independent Claim 1 is amended to recite, *inter alia*, that the image capturing apparatus comprises

¹ e.g., specification, pp. 25-29.

a first auto focusing device configured to perform a high focusing accuracy;
a second auto focusing device configured to perform a high focusing speed;
a controlling device for controlling an operation of said first auto focusing device, and
a ranging device for measuring a subject distance to said subject,
wherein said *controlling device is configured to switch between said first auto focusing device and said second auto focusing device to prioritize either said high focusing accuracy or said high focusing speed.*

As discussed in an exemplary embodiment at p. 26, line 20-p. 27, line 6 of the specification, the AF controller (83) is capable of switching between the operation of the CCDAF (82) and the outside light AF (81) according to the subject distance obtained by the ranging sensor (31). The CCDAF is generally used when high accuracy is needed for objects located at distances further from the camera, while the outside light AF is used for objects located closer to the camera where focus speed is more important than focus accuracy.

Turning to the applied reference, Kaneda describes an automatic focus device including both an active type rangefinder and passive type rangefinder.² Kaneda's automatic focusing adjusting device selects the optimum range-finding mode (e.g., active or passive) based on the type of focusing lens and the photographic situation. Thus, Kaneda describes a single auto focusing device including a plurality of range-finding modes, which may be used based on various conditions.

Kaneda, however, fails to teach or suggest *a first auto focusing device configured to perform a high focusing accuracy, a second auto focusing device configured to perform a high focusing speed*, or a controller configured to switch between the two, as recited in independent Claim 1.

As discussed above, the present invention includes a single range-finding device (31), which provides feedback to an AF controlling portion (83). This AF controlling portion then

² Kaneda, Abstract.

selects either the CCDAF device (82) or the outside light AF (81) based on the distance that the image object is from the camera (close = speed; distance = accuracy).

Kaneda, in contrast, describes that his device includes a plurality of range-finding devices/modes, and the device/mode is selected for the single AF device based on given lighting conditions. As discussed at col. 5, lines 21-55, for example, the input from one of the range-finding devices (active 10, passive 8) is used as input to Kaneda's single AF device. Thus, Kaneda's device does not include a first AF device for high focusing speed and a second AF device for high focusing accuracy, but instead includes a single AF device fed by one of a passive (11) or active (10) range-finding device.

Further, Kaneda discusses that lighting conditions are taken into account when determining which range-finding mode to use, but fails to discuss a configuration which causes AF operations to performed at a high *speed*, whatsoever.

Therefore, Kaneda fails to teach or suggest *a first auto focusing device configured to perform a high focusing accuracy, a second auto focusing device configured to perform a high focusing speed*, or a controller configured to switch between the two, as recited in independent Claim 1.

Accordingly, Applicant respectfully requests that the rejection of independent Claim 1 (and Claim 5, which depends therefrom) under 35 U.S.C. 102(b) be withdrawn.

Claims 2, 3, and 6-10 were rejected under 35 U.S.C. 103(as) as being unpatentable over Kaneda in view of Nonaka.

As discussed above, Kaneda fails to teach or suggest the above differentiated features recited in amended independent Claim 1. Likewise, Nonaka is similarly directed to selecting one of a plurality of range-finding modes, and also fails to teach or suggest a first auto focusing device configured to perform a high focusing accuracy, a second auto focusing device configured to perform a high focusing speed, or a controller configured to switch

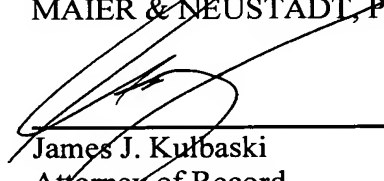
between the two, as recited in independent Claim 1. Therefore, none of the cited references, neither alone nor in combination, teach or suggest Applicant's Claims 2, 3, and 7-10, which include the above noted features by virtue of dependency.

Accordingly, Applicant respectfully requests that the rejection of independent Claims 2, 3, 7, 8 and 10 under 35 U.S.C. 103) be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 5, 7, 8 and 10 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
ATH/rac

Andrew T. Harry
Registration No. 56,959

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